

REMARKS

Applicants respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 47 is requested to be cancelled.

Claims 1 and 42 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-11, 18 and 36-46 are now pending in this application.

Claim Rejections under 35 U.S.C. § 101

Claims 36-42 were rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In response, Applicants have amended claim 42 to include a memory. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim Rejections under 35 U.S.C. § 112

Claim 47 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply to with the written description requirement. In response, applicants have cancelled claim 47 making the rejection moot.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 8-11 and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0062192 ("Saraga") in view of U.S. Patent Publication No. 2005/0062192 ("Van"). Claims 2-7, 18 and 36-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Saraga in view of Van and further in view of U.S. Patent Publication NO. 2002/0129170 ("Moore"). In response, Applicants have amended independent claims 1 and 42 and traverse the rejection for the reasons set forth below.

Applicants rely on MPEP § 2143.03, which requires that all words in a claim must be considered in judging the patentability of that claim against the prior art. Here, the cited

references do not identically disclose, teach or suggest all the claim limitations. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Independent claim 1 is directed to a “method for exchanging data between a portable user equipment (MS), a plurality of service stations placed at selected locations and a plurality of mobile service providers” comprising, in addition to other steps, “transmitting the first request message to at least one of the plurality of service stations, wherein the plurality of service stations are placed at selected locations along a route traversed by the mobile service providers and indicate where the mobile service providers can stop, and each of the plurality of service stations being arranged with a short-range communication module which provides a first transmission zone, the portable user equipment including a compatible short-range communication module” (Emphasis added). Independent claim 42 recites similar limitations.

In contrast, the cited references do not disclose, teach or suggest each and every element recited in independent claims 1 and 42.

The Office Action asserts that the base stations BS1-BS7 of Saraga correspond to the claimed service stations. However, a cellular base station is not the same as a service station that is “placed at selected locations along a route traversed by the mobile service providers” and indicates “where the mobile service providers can stop” as claimed in claim 1. That is, Saraga teaches that a message is sent from a mobile telephone to conventional cellular base stations. In contrast, the claimed method and system is configured so that a message is transmitted from portable user equipment directly to a service station located along a mobile service provider route.

When determining whether a claim is obvious, an examiner must make “a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art.” *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, “obviousness requires a suggestion of all limitations in a claim.” *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Here, the cited references fail to disclose each and every limitation in as complete detail as is contained in amended independent claims 1 and 42.

Claims 2-11, 18, 36-41 and 43-46 depend from one of independent claims 1 or 42 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein. Further, Moore and Van fail to cure the deficiencies of Saraga.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in the cited references.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

6/4/10

By

[Signature]

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